

**MINUTES OF THE ZONING BOARD PUBLIC  
HEARING AND REGULAR MEETING, HELD  
MONDAY, JULY 29, 2013, 7:00 P.M.,  
4<sup>TH</sup> FLOOR, CAFETERIA, GOVERNMENT CENTER  
BUILDING, 888 WASHINGTON BLVD,  
STAMFORD, CONNECTICUT 06901**

Present for the Board: Thomas Mills, Bill Morris, Rosanne McManus, Barry Michelson, Harry Parson and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner

Chairman Mills called the meeting to order at 7:08 p.m.

**PUBLIC HEARING**

1. **Application 212-27 – Yale & Towne SPE, LLC (Y3)** - Re-open the Public Hearing to review additional information to relocate a garage entrance and reduce the number of proposed units from 257 to 252 in connection with approval of the following: 1) Final Site Plan and Architectural Plan approval for development on the block identified as Y3 below to construct 252 residential units, and 338 parking spaces, landscaping, drainage, roadway and utility improvements; and 2) Coastal Site Plan approval, on a 20.35 acre site at 500 Pacific Street, located entirely within the block bordered by Canal, Market, Pacific and Henry Streets, which property is zoned South End Redevelopment District, North (*continued from July 22, 2013*).
2. **Application 212-17 (A) Modification Yale & Towne SPE, LLC (Y1)** – approval of the following: 1) a modification to the approved General Development Plan concerning the development of Blocks Y2, Y3, Y7 and Y8, identified below, and 2) Coastal Site Plan approval, on a 20.35 acre site at 500 Pacific Street (*continued from July 22, 2013*).

Mr. Mills opened the Public Hearing on these two applications.

Attorney Peter Vargas representing Fairway said they have exclusive rights to the parking lot and will not consent to construction of any structures on the parking lot.

Attorney Freeman agreed with Fairway's statements. Details of their lease aren't pertinent to Zoning Board decisions. Fairway was aware of the original GDP, submitted letters on March 30, 2009 and June 2, 2009 verifying this fact.

There being no other comments or questions on these applications, Mr. Mills closed the public hearing on these two applications.

**REGULAR MEETING**

**APPROVAL OF MINUTES:**

**Minutes of July 22, 2013**

Mr. Michelson submitted a typed revision to his comments in the third paragraph of the minutes under Old Business, Application 211-03:

*Ms. McManus asked how the Cease & Desist was affected by allowing this architectural modification to move forward. Attorney Minor answered, it would have no effect. Mr. Michelson challenged this statement and asked Attorney Minor to explain. Attorney Minor read from the last page of the Cease & Desist explaining that it called for a replacement boatyard, but doesn't require it to be on the original site.*

*Mr. Michelson challenged the assertion by Attorney Minor that the Applicant had submitted a Plan for a Boatyard as required by the Cease & Desist and it would have no effect and, asked Attorney Minor to explain. Attorney Minor read paragraph 20 of the Cease & Desist, which states Harbor Point Development is out of compliance with the approved general development plan, and calls for a comprehensive site plan for a full service boatyard to be filed with the Zoning Board by June 29, 2012. Attorney Minor was also directed to paragraph 10 of the Cease & Desist, which refers to and reiterates Condition 7 of the Stamford Zoning Board approval recorded on the land records (Vol. 14118 page 0001; Map No. 14118). Attorney Minor argued that the Cease & Desist doesn't prevent minor changes to other approved buildings. Mr. Michelson asked about the status of the appeal of the Cease & Desist order. Attorney Minor said that it has been suspended by mutual agreement.*

After a brief discussion, Ms. McManus moved to approve the minutes as modified. Mr. Michelson seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, McManus, Michelson, Morris and Parson).

#### **PENDING APPLICATIONS:**

1. **CSPR-932 – GIGLIOTTI, 236 Davenport Drive**, install (3) concrete platforms to raise a/c units and generator above flood elevation and install 310 s.f. of stone pavers within a utility area of single family dwelling in an R-20 zoned coastal flood area.

Mr. Morris asked if the application had been filed before the effective date of the new flood elevations. Mr. Killeen answered yes. Mr. Cole agreed to research this further.

After a brief discussion, Mr. Michelson moved to approve the coastal site plan application, seconded by Ms. McManus and unanimously approved 5 to 0 with EPB conditions contained in correspondence from Richard Talamelli dated July 24, 2013, (Mills, Michelson, Morris, McManus and Parson).

2. **CSPR-937 – STRAZZA, 10 Ocean Drive North**, requesting approval to construct an in-ground pool, associated pool equipment and incidental sitework at 10 Ocean Drive North in an R-10 zoned coastal management area.

Mr. Mills disclosed that he has worked on this property and asked if he should recuse himself. The Zoning Board member consensus was no. Mr. Killeen introduced the application. The pool

will be at a height of 12.2 feet and prior flood height was 11.0 feet. Mr. Mills suggested a condition to require safety fencing the pool. Mr. Morris agreed.

After further discussion, Mr. Michelson moved to approve the coastal site plan application subject to EPB conditions (contained in correspondence from Richard Talamelli dated July 21, 2013), and Engineering conditions (contained in correspondence from Susan Kiskien, P.E. dated July 26, 2013), plus, adding a safety fence, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson).

4. Application 213-16 – RICHARD W. REDNISS, Text Change

Mr. Killeen presented the latest staff revisions to the proposed text amendment. Mr. Mills asked to clarify parking reductions less than Section 12D. Mr. Michelson suggested residential density of 600 s.f./unit.

Mr. Morris moved to approve the text change with staff changes dated July 29, 2013 with a density of 600 s.f./unit, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson). The text change will read as follows:

*Amend Article III, Section 4-AA-10 (C-WD Coastal Water Dependent District), subparagraph 10.2-b (Authorized Uses) to read as follows:*

- b. The following non-water dependent uses may also be approved by the Zoning Board subject to the additional standards of subsections 10.5 and 10.8 herein:*
- (1) industrial uses*
  - (2) Warehouses.*
  - (3) Retail, office, multi-family residences, senior housing, service establishments, and accessory uses when such uses are subordinate, incidental and related to a water-dependent use or part of the adaptive reuse of existing buildings. Any retail use permitted hereunder shall comply with the standards for retail uses in the MG zone.*
  - (4) Facilities in the national interest, as defined in Section 22a-93,(14) of the General Statutes.*

*Amend Article III, Section 4-AA-10 (C-WD Coastal Water Dependent District), subparagraph 10.5-b (Criteria for Special Exceptions) to read as follows:*

- b. Non-water-dependent uses shall not exceed in the aggregate a floor area ratio of 0.4, except as permitted in paragraph 10.8 below, and the floor area of all uses on the property shall not exceed a floor area ratio of 1.0.*

*Amend Article III, Section 4-AA-10 (C-WD Coastal Water Dependent District), subparagraph 10.5-d (Criteria for Special Exceptions) to read as follows:*

- d. No special exception shall be granted which will substantially reduce or inhibit existing public access to marine or tidal waters. Special exceptions*

*seeking adaptive reuse pursuant to Section 10.8 below are required to enhance existing or create new public access to marine or tidal waters. Enhancements may include installation of paved walkways, curbing, fencing and other pedestrian safety improvements, lighting, landscaping, benches, trash receptacles, signage and/or similar methods for improving the public access experience.*

*Amend Article III, Section 4-AA-10 (C-WD Coastal Water Dependent District), subparagraph 10.8 (Effectiveness) to read as follows:*

- 10.8 Adaptive Reuse. Subject to a Special Exception by the Zoning Board, existing buildings that may or may not conform to the floor area limitations of Section 10.5 above may be adaptively reused subject to the following standards:*
- a. The gross floor area of any adaptive reuse shall not exceed the prior existing floor area, except that expansion beyond the walls of the existing building may be allowed, not to exceed two and one-half percent (2.5%) of the existing building coverage or floor area, provided such expansion is limited to exterior stairways, canopies, lobbies, or other architectural features and improvements which shall be in furtherance of adaptive reuse of the building for modernization, aesthetic, safety, code compliance or sustainability purposes. Additional floor area may be added for water-dependent uses provided that total floor area does not exceed a ratio of 1.0.*
  - b. Residential density shall be determined by the allowable floor area, provided that the average floor area of dwelling units shall not be less than six hundred (600) square feet.*
  - c. Not less than six percent (6%) of the total number of dwelling units shall be offered for rent or sale as Below Market Rate (BMR) units in accordance with the standards, definitions and procedures contained within Article III, Section 7.4 of these Regulations.*
  - d. The Zoning Board may reduce or waive the standards of Sections 12-A, 12-B, 12-C, and 12-D of these Regulations regarding parking requirements, dimensional standards and the setback of parking spaces from property lines and buildings provided that any such reduction in required parking does not result in less than two (2) spaces per 1,000 gross square feet of building area for non-residential uses. Parking may be satisfied through the use of self parking, valet, tandem, or other similar onsite or offsite parking management strategies. The applicant must demonstrate to the satisfaction of the Board that the proposed reductions in the parking standards for an Adaptive Reuse will not decrease existing parking ratios and will improve existing parking conditions, utilizing such methods as a Parking Management Plan or a Transportation Management Plan, or the use of shared parking, tandem parking or valet parking, demonstrating that parking will be sufficient for the subject uses.*
  - e. Notwithstanding paragraphs 10.2-b and 10.8 herein, no special exception that establishes residential use shall be granted where said use will prohibit or further limit the operation of any authorized industrial use permitted in the C-*

*WD zone on any site which as of July 1, 2013 was legally used for industrial purposes. For purposes of this section, "prohibit or further limit the operation of any authorized industrial use" shall include, but may not be limited to, a requirement that such use comply with the more restrictive transmitting standard under the Stamford noise ordinance.*

- f. No special exception shall be granted for an Adaptive Reuse that will replace, adversely impact, or displace any water-dependent use with a non-water-dependent use.*

3. Application 213-15 –CCMCR HS 700 CANAL STREET, LLC; CCMCR HS 850 Canal Street, LLC; CCMCR HS 880 Canal Street LLC; CANAL STREET HARBOR SQUARE, LLC, 850 Canal Street, Map Change

After a brief discussion, Mr. Michelson moved to approve the map change, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson).

5. Application 213-20 – CCMCR HS 700 CANAL STREET, LLC; CCMCR HS 850 CANAL STREET, LLC; CCMCR HS 880 CANAL LLC; CANAL STREET HARBOR SQUARE, LLC, Special Exception, Site & Architectural Plans and/or Requested Uses and Coastal Site Plan Review

Mr. Killeen presented Staff prepared draft conditions.

Mr. Morris asked if 860 public access could provide for emergency vehicle access? Mr. Cole said this would be addressed by Staff under Condition #7.

After a brief discussion about adding a final plan reference to Condition 5 and 6 and the following to Condition #7: refurbish railings along waterfront as needed...add brick walkway as required prior to Certificate of Occupancy for 700 Canal Street and Add a reference to prior approved boat-slip layout.

Mr. Mills asked the Board if they should bond the fuel dock being restored? Board consensus was yes.

After a brief discussion, Mr. Michelson moved to approve the application with conditions as modified, seconded by Mr. Parson and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson). Conditions will read as follows:

**1. Property-Specific Conditions of Approval**

- 1) *Applicant shall submit revised site plans (SE-1 and SE-2) to include the use of full-length (i.e. 22 feet) parallel parking spaces behind the building at 860 Canal Street, as illustrated on the "Proposed Public Access Improvement Exhibit", PA-1, dated July 22, 2013 prepared by Redniss & Mead and approved herein.*
- 2) *Reciprocal Easement Agreements governing use of the parking lots shall be submitted for review and approval by the Director of Legal Affairs and filed on*

*the City of Stamford Land Records prior to the issuance of a Certificate of Occupancy for any of the subject properties.*

- 3) *The Board grants Special Exception approval for the adaptive reuse of 700 Canal Street, 850 Canal Street, and 880 Canal Street as shown on the approved plans for the following uses:*
  - a) *700 Canal Street*
    - *12,000± sq. ft. Restaurant*
    - *79,400± sq. ft. Office*
  - b) *850 Canal Street*
    - *8,800± Retail*
    - *58,400± Office*
  - c) *880 Canal Street*
    - *20,400± Office (including existing veterinary)*
- 4) *The specific reuse of 390 Ludlow Street (AKA 860 Canal Street) is not contained within this approval. The Board also notes that 178 parking spaces are attributable to 860 Canal Street. Therefore, unless Special Exception Zoning Board approval is obtained in the future, 860 Canal Street may only be used for prior uses to which the building was put and only to the extent that parking for said uses satisfy Section 12 of these Regulations.*
- 5) *The Public Access Easement shall be shifted to match the existing public access walkway and to reflect enhancements depicted on the plan entitled "Proposed Public Access Improvement Exhibit", PA-1, dated July 22, 2013 prepared by Redniss & Mead and approved herein. An updated Public Access Easement map and agreement shall be coordinated with the Zoning Board staff and Director of Legal Affairs, filed on the City of Stamford Land Records, and recorded prior to the issuance of a Certificate of Occupancy for the new lobby at 700 Canal Street.*
- 6) *Public access improvements will be made primarily to 700, 850 Canal Street, and a portion of 860 Canal Street as shown on the referenced plan entitled "Proposed Public Access Improvement Exhibit", PA-1, dated July 22, 2013 prepared by Redniss & Mead and shall be implemented onsite prior to the issuance of a Certificate of Occupancy for the new lobby at 700 Canal Street, as follows:*
  - a) *The public access sign near Canal Street shall be replaced and maintained as required under the initial approval of Coastal Site Plan Review application #538.*
  - b) *The existing 6 foot wide walkway shall be extended from 850 Canal Street to the existing concrete walkway, by stamping/coloring the asphalt within the easement or paving it with a brick material to match the existing walkway.*
  - c) *Pedestrian safety shall be enhanced by installing a post and rail fence between the extended walkway and the parking along the southern property line of 700 Canal Street.*

- d) *The Applicant shall install benches and planters between the parking lot and the public access easement along the waterfront portions of 700 Canal Street as shown on the approved plan. Applicant shall prepare a planting plan, which shall incorporate to the extent feasible the use of ornamental or flowering trees within the planters to enhance the waterfront appearance. Said plan shall be submitted for review of the Zoning Board staff.*
- e) *Existing light fixtures on post tops shall be repaired/replaced as needed.*
- f) *Applicant shall power wash the concrete walkway and paint/refurbish railings as needed.*
- g) *Applicant shall make other improvements necessary to make the public access area attractive and inviting, including the installation of trash receptacle(s) and revising Belgium block curbs at Canal Street as illustrated on the approved plan.*

*Final details of the plan shall be subject to approval by the Zoning Board staff. The public access walkway shall be maintained in good condition by the property owner(s) as an ongoing condition of this approval.*

- 7) *While the City retains the right to condition any future Special Exception or Site Plan approval to provide a more detailed public access improvement plan for the waterfront along 860 Canal Street, applicant shall implement the following improvements by May 22, 2014 unless a written request for extension or modification, with good cause shown, is administratively approved by the Zoning Board. Good cause shall include, but not be limited to, ongoing site remediation, pending redevelopment, and/or pending approvals from the State D.E.E.P. that may impede or delay availability of water dependent uses.:*
  - a) *approved striping modifications to separate the public access easement from all parking areas,*
  - b) *Applicant shall power wash the concrete walkway and paint/refurbish railings as needed.*
  - c) *repair/replace the lighting as per improvements along 700 Canal Street, and*
  - d) *install a barrier along the public access easement to provide pedestrian safety. The applicant may use timbers, bollards, posts, chains or other similar material to clearly mark the public access. The design shall be subject to the review of the Zoning Board staff and the Stamford Fire Marshal.*
- 8) *Current water dependent uses associated with 860 Canal Street (15-slip marina, fuel pump dock, marine waste pump out facility, and associated docks), as approved in Zoning Board Application # 86-046, are to be maintained as part of this approval and shall be available for public use by May 22, 2014 unless a written request for extension or modification, with good cause shown, is administratively approved by the Zoning Board. Add reference to original marina approval. Good cause shall include, but not be limited to, ongoing site*

*remediation, pending redevelopment, and/or pending approvals from the State D.E.E.P. that may impede or delay availability of water dependent uses. Applicant or current owner shall submit a written report detailing the status of water dependent uses and efforts to make them operational to Zoning Board staff by January 31, 2014.*

- 9) The chimney/monument located on 700 Canal Street is being retained (including the existing plaque) and shall be re-pointed.*
- 10) Applicant shall post with the Land Use Bureau staff a performance bond sufficient to cover the estimated costs of the public access improvements outlined in Condition #6 and Condition # 7 above and the restoration of water-dependent uses referenced in Condition #8 above, prior to the issuance of a Building Permit for the new lobby at 700 Canal Street or within ninety (90) days of the effective date of this approval, whichever is sooner.*

**2. Standard Conditions of Approval**

- 1) All work shall substantially conform to the Building and Site Plans submitted with this application unless otherwise approved by the (Zoning Board) or (Zoning Board Staff).*
- 2) Prior to the issuance of a Building Permit, sedimentation and erosion control plans shall be submitted and subject to review by the Environmental Protection Board staff.*
- 3) Prior to issuance of a Building Permit, sewer and storm drainage plans shall be submitted and subject to final review of design specification and construction plans by the Engineering Bureau. The applicant shall address water quality through the use of best management practices, specifically including cleaning and maintenance of the existing oil/grit separator located on 850 Canal Street. The City reserves the right to condition any future redevelopment of 860 Canal Street to provide similar water quality mitigation.*
- 4) Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit a Drainage Maintenance Agreement and a Landscape Maintenance Agreement, subject to approval by the Environmental Protection Board staff.*
- 5) A Street Opening Permit shall be required for any and all work within any City of Stamford street right of way.*
- 6) This approval for Special Exception and Site & Architectural Plans & Requested Uses shall remain in effect for a period of one (1) year from the date of this approval, subject to Zoning Board approval of not more than three (3) one-year extensions, upon timely application and good cause shown.*

Mr. Mills called a brief recess at 9:00pm and resumed the regular meeting at 9:13pm.



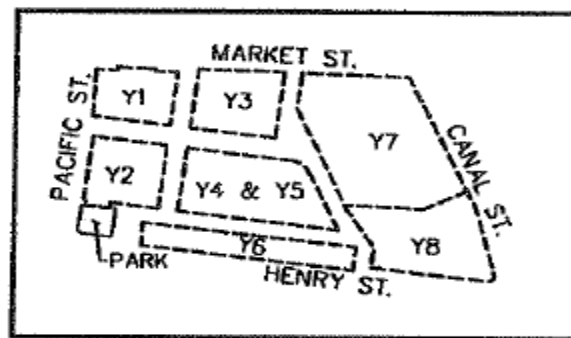
Mr. Parson moved to change the order of the agenda, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson).

7. Application 212-17(A) Modification Yale & Towne SPE, LLC (Y1), Amend General Development Plan and Coastal Site Plan Review

Mr. Killeen summarized the draft conditions. They are labeling the Building 35A. Clarifying that cultural space should be “a minimum of \_\_\_\_”. Also, the new Jitney service shall begin not later than November 1, 2013.

After a brief discussion, Mr. Michelson moved to approve the application with conditions as modified, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson). Conditions will read as follows:

***NOW THEREFORE BE IT RESOLVED*** that the Zoning Board approves Applicants’ request to amend the General Development Plan, as shown on “Amended General Development Plan – June 2010, revised to July 11, 2013, as they pertain to Blocks Y2, Y3, Y7, and Y8, including Coastal Site Plan approval, to construct multiple buildings containing non-residential Floor Area and approximately 1,140 residential housing units, as well as associated parking, landscaping, open space, and drainage, roadway and utility improvements as follows: 1) a modification to the approved General Development Plan concerning the development of Block Y2, Y3, Y7 and Y8 identified below, and 2) Coastal Site Plan approval, on a 20.35 acre site, located entirely within the block bordered by Canal, Market, Pacific and Henry Streets, Block 84, which property is zoned SRD-N South End Redevelopment District – North, as shown below (“**Yale & Towne Project**”):



**I. Amendments to GDP:**

1. Block Y2 is hereby amended to permit a maximum of 227 residential units and a minimum of 3,200 s.f. of cultural space
2. Block Y3 is amended to permit a maximum of 252 residential units and a minimum of 1,800 s.f. of cultural space (using part of the fitness center)

3. *Block Y7 is amended to permit a total of 110,000 s.f. of retail use including 30,000 s.f. of future retail space and Future Parking in a 4-story parking garage.*
4. *Block Y8 is amended to permit a total of 138,070 s.f. of retail space and 34,000 s.f. of commercial/office space, which includes Building #35A.*

## ***II. GDP Conditions:***

1. *The Application to amend the GDP is approved subject to compliance with all past conditions of approval and the following additional conditions (# 2 through # 6):*
2. *The Applicant shall submit an updated plan of the GDP, labeling Building #35A and showing it as clearly being within Block Y8.*
3. *Cultural Use: A cultural use has been approved by the Zoning Board to be located outside the Zoning Tract to satisfy the requirements of the SRD-N regulations to provide 5000 square feet of cultural use per Section 5 (b) (10) of the SRD-N Regulations. The cultural space is located at 575 Pacific Street, Stamford Ct (the "Offsite Cultural Space") and is to be occupied by the Loft Artists Association. However, if after 10 years from the date hereof, the Offsite Cultural Space is no longer occupied by a cultural institution, the applicant, its successors and/or assigns, will be required to provide 5000 square feet of space for cultural uses, said uses to be subject to approval of the Zoning Board, within the Zoning Tract, specifically as shown on the Approved Plans, unless the Zoning Board approves an alternate location consistent with the SRD-N Regulations:*
  - a. *1800 square feet of cultural space shall be provided on Block Y3 as shown on the Approved Plans, entitled 'YALE & TOWNE BLOCK Y3, First Floor Plan A101', dated 7/17/13.*
  - b. *3200 square feet of cultural space shall be provided on Block Y2, as shown on the Approved Plans entitled "YALE & TOWNE BLOCK Y 2, Ground Floor Plan, A102", dated 4/26/13. It is feasible to reconfigure this space to meet the needs of cultural uses/tenants.*
  - c. *Prior to the issuance of a certificate of occupancy for the building on Y3, this condition will be recorded on the Stamford Land Records, with notice that it specifically affects Master Units Y2 and Y3 in the Yale & Towne Planned Community. Prior to filing on the Land Records, the document proposed for recording shall be subject to approval of the Director of Legal Affairs.*
4. *Jitney: Applicant will work with staff to complete a schedule and route for the Harbor Point Jitney by August 19, 2013, for both the Downtown entertainment/shopping route (which may have separate schedules) and the Downtown commuter route following the concepts set forth in the report entitled*

*“ TOD Transit Management Plan, Harbor Point, Stamford CT,” prepared by Earth Tech , Inc. dated March 2008, and the memo from Josh Lecar, Transportation Planner, City of Stamford, to the Zoning Board, dated April 26, 2007 . A plan for public outreach and notification concerning the availability of the jitney service will also be submitted to staff for review and approval. The services for these routes will be provided as soon as the new buses are delivered and operational, but, in any event, shall be started no later than November 1, 2013.*

5. *Historic Signage: prior to the issuance of a Certificate of Occupancy for Y3, Applicant will install a system of interpretive signage placed at various points within the Zoning Tract, including mounted on or near historic buildings and in areas of high pedestrian traffic, chronicling the history and past use of the property. The location, content and design of the interpretive signage shall be subject to staff approval.*
  6. *Play Area: when combining the play areas at grade and on roof decks, the applicant has demonstrated general compliance with the play area provisions of the SRD-N regulations, though not all of it is specifically designed for pre-school age children. One portion of the park will be fenced and improved as a play area suitable for pre-school children. If deemed necessary to meet future demand, the applicant may request approval for additional improvements to the park to serve pre-school age children.*
6. Application 212-27 – Yale & Towne SPE, LLC (Y3), Final Site Plans and Coastal Site Plan Review

Mr. Killeen presented the draft conditions. Mr. Morris suggested that the Jitney be a Building Permit condition.

After a brief discussion, Ms. McManus moved to approve the application with conditions as modified, seconded by Mr. Morris and approved 4 to 0 to 1 (Mills, Morris, McManus and Parson in favor; Michelson abstaining). Conditions will read as follows:

***NOW THEREFORE BE IT RESOLVED*** that the Zoning Board issues Coastal Site Plan Approval and approves Final Site and Architectural Plan and Requested Uses for Block Y3, including residential uses, public realm improvements, landscaping, walkways, utility and streetscape improvements, shown on said plans, subject to the following conditions:

***Final Site & Architectural Plan Conditions, Block Y3:***

**Site Specific Conditions**

5. *Cultural Use: A cultural use has been approved by the Zoning Board to be located outside the Zoning Tract to satisfy the requirements of the SRD-N*

*regulations to provide 5000 square feet of cultural use per Section 5 (b) (10) of the SRD-N Regulations. The cultural space is located at 575 Pacific Street, Stamford Ct (the "Offsite Cultural Space") and is to be occupied by the Loft Artists Association. However, if after 10 years from the date hereof, the Offsite Cultural Space is no longer occupied by a cultural institution, the applicant, its successors and/or assigns, will be required to provide 5000 square feet of space for cultural uses, said uses to be subject to approval of the Zoning Board, within the Zoning Tract, specifically as shown on the Approved Plans, unless the Zoning Board approves an alternate location consistent with the SRD-N Regulations:*

- a. 1800 square feet of cultural space shall be provided on Block Y3 as shown on the Approved Plans, entitled 'YALE & TOWNE BLOCK Y3, First Floor Plan A101', dated 7/17/13.*
  - b. 3200 square feet of cultural space shall be provided on Block Y2, as shown on the Approved Plans entitled "YALE & TOWNE BLOCK Y 2, Ground Floor Plan, A102", dated 4/26/13. It is feasible to reconfigure this space to meet the needs of cultural uses/tenants.*
  - c. Prior to the issuance of a certificate of occupancy for the building on Y3, this condition will be recorded on the Stamford Land Records, with notice that it specifically affects Master Units Y2 and Y3 in the Yale & Towne Planned Community. Prior to filing on the Land Records, the document proposed for recording shall be subject to approval of the Director of Legal Affairs.*
- 6. Jitney: Applicant will work with staff to complete a schedule and route for the Harbor Point Jitney by August 19, 2013, for both the Downtown entertainment/shopping route (which may have separate schedules) and the Downtown commuter route following the concepts set forth in the report entitled " TOD Transit Management Plan, Harbor Point, Stamford CT," prepared by Earth Tech , Inc. dated March 2008, and the memo from Josh Lecar, Transportation Planner, City of Stamford, to the Zoning Board, dated April 26, 2007 . A plan for public outreach and notification concerning the availability of the jitney service will also be submitted to staff for review and approval. The services for these routes will be provided as soon as possible, but, in any event, prior to issuance of a building permit for Y3.*
- 7. Historic Signage: prior to the issuance of a Certificate of Occupancy for Y3, Applicant will install a system of interpretive signage placed at various points within the Zoning Tract, including mounted on or near historic buildings and in areas of high pedestrian traffic, chronicling the history and past use of the property. The location, content and design of the interpretive signage shall be subject to staff approval.*
- 8. Play Area: when combining the play areas at grade and on roof decks, the applicant has demonstrated general compliance with the play area provisions of*

*the SRD-N regulations, though not all of it is specifically designed for pre-school age children. One portion of the park will be fenced and improved as a play area suitable for pre-school children. If deemed necessary to meet future demand, the applicant may request approval for additional improvements to the park to serve pre-school age children.*

- 9. All improvements are deemed consistent with the Design Guidelines and plans submitted by the Applicant in its materials entitled "Block Y3 Site Plans, Yale & Towne, Stamford Connecticut Site Plan Approval" including the architectural elevations and illustrative renderings (collectively "Approved Plans"), including revisions submitted during the public hearing review process. A complete list of approved plans is attached hereto as **Schedule A.***
- 10. Prior to the issuance of a Certificate of Occupancy, the Applicant shall permanently establish on-site a total of 25 Below Market Rate dwelling units, subject to approval of a final Affordability Plan by the Zoning Board staff. In the event the regulations applicable to Below Market Rate dwelling units are revised prior to the issuance of the first residential Certificate of Occupancy, the Applicant may request a modification of the Affordability Plan to comply with the regulations as amended, subject to approval of the Zoning Board.*
- 11. The Parking Management Plan, dated September 5, 2012, the Transportation Management Plan, dated December 21, 2012, and the Tandem Space Analysis, dated January 3, 2013, all as prepared by Fuss & O'Neill, Inc., is consistent with § 9.K.5.(g) and is hereby approved with a total of 315 parking spaces including tandem parking spaces reserved for use only for two-bedroom units, as shown therein. Bike storage for approximately 40 bikes shall be provided within the garage.*
- 12. Operation and maintenance of streetlights other than standard "cobra heads" or decorative streetlights approved by the Engineering Bureau are subject to determination by the Stamford Director of Operations. Street trees and streetlights shall be in conformity with the terms of the Development Agreement between the City of Stamford and the Harbor Point Infrastructure Improvement District. Street lighting shall be designed to provide a minimum illumination of 0.5 foot-candles for all roadways. Removal of any existing street lighting within the public right of way shall be coordinated with and subject to approval by the Engineering Bureau. Where sidewalks are proposed to be reconstructed, it is the intent of the applicant to remove existing utility poles and install necessary utilities underground wherever feasible and where overhead utilities are not required to service other properties.*
- 13. The applicant shall submit final designs and specifications for all traffic and pedestrian improvements within all public and private streets and roadways, as shown on the approved site plans, specifically including the plans entitled "Block Y3 Site Plans, Yale & Towne, Stamford Connecticut Site Plan Approval" dated*

*July 9, 2012, drawing OA, SP, GP, UT, ES, SD1 and SD2-5 revised through August 30, 2012, prepared by Civil One Engineers, subject to approval of final specifications by the Director of Operations, or designee, prior to the issuance of a Building Permit, with construction of all improvements to be completed prior to the issuance of the first Certificate of Occupancy.*

- 14. The applicant shall submit final specifications for exterior architectural designs, materials, samples and colors, including but not limited to the building façade, pavement, signage and lighting, subject to final approval by Zoning Board staff to insure consistency with the Approved Plans, illustrations and materials samples, prior to the issuance of a Building Permit. Windows to be used on the new building shall be made of aluminum to match the buildings in the remainder of the Yale and Towne development.*
- 15. The applicant shall submit final Block Y3 designs and specifications for landscaping, lighting, fencing, furnishings, and streetscapes to insure consistency with the submitted application materials and SRD-N standards and design guidelines, subject to Zoning Board staff approval prior to the issuance of a Building Permit.*
- 16. Final Plans shall contain adequate provision for fire hydrants, fire lanes and emergency vehicle access, subject to approval of the Fire Marshal prior to issuance of a building permit.*
- 17. The applicant shall submit a Block Y3 Trash Management Plan and Truck Operations Plan for approval by Zoning Board staff prior to the issuance of a Certificate of Occupancy.*
- 18. Block Y3 shall be designed and built to comply with the basic standards of the Leadership in Energy and Environmental Design ("LEED") Neighborhood Development program established by the United States Green Building Council. The Applicant's architect shall certify and document, prior to the issuance of a Certificate of Occupancy, that the project complies with the standards of the LEED ND program.*
- 19. In accordance with the Design Guidelines, the applicant has designated all street frontages as front walls for purposes of permitted signage calculations. Plans for Block Y3 signage shall be consistent with the SRD-N regulation and Design Guidelines and shall be submitted to Zoning Board staff for review and approval.*
- 20. The applicant shall submit a Landscape Maintenance Agreement and Drainage Maintenance Agreement, in conformity with the terms of the Development Agreement between the City of Stamford and the Harbor Point Infrastructure Improvement District, subject to approval by the Director of Legal Affairs and the Environmental Protection Board staff prior to issuance of a Certificate of Occupancy.*

21. *Execution of a Sidewalk Easement to include all portions of proposed public sidewalks on private property in conformity with the terms of the Development Agreement between the City of Stamford and the Harbor Point Infrastructure Improvement District, subject to approval by the Director of Legal Affairs prior to the issuance of a Certificate of Occupancy.*

**Standard Conditions of Approval**

- a) *All work shall substantially conform to the Building and Site Plans submitted with this application unless otherwise approved by the Zoning Board.*
- b) *No significant mechanical equipment in addition to that depicted on the building and site plans shall be installed at grade or on building roofs within public view from any public street or public access area without the prior approval of the Zoning Board staff.*
- c) *The applicant shall submit a Construction Staging and Management Plan to insure safe, adequate and convenient vehicular traffic circulation and operations, pedestrian circulation and protection of environmental quality through the mitigation of noise, dust, fumes and debris subject to final approval of the Director of Operations and the Building Department prior to issuance of a Building Permit. Such Construction Management Plan shall address, but not be limited to, reasonable restrictions on times when deliveries can be made to the job site, measures to control dust, staging areas for materials and construction worker parking, and measures requiring the timely removal of construction debris and/or litter from the jobsite.*
- d) *Erosion and Sedimentation Control Plans shall be subject to EPB staff approval prior to the issuance of a Building Permit.*
- e) *Sanitary sewer and storm drainage plans are approved subject to final review of design specification and construction plans by the Engineering Bureau. Storm water plans shall incorporate Best Management Practices to mitigate water quality impacts, and shall take into consideration the drainage requirements of the Connecticut D.E.E.P. Remedial Action Plan for contaminated soils.*
- f) *A Street Opening Permit shall be required for any and all work within any City of Stamford street right of way.*
- g) *This approval for Site & Architectural Plans & Requested Uses shall remain in effect for a period of one (1) year from the date of this approval, subject to Zoning Board approval of not more than three (3) one-year extensions, upon timely application and good cause shown.*

### **OLD BUSINESS**

1. **Application 208-05 ANTARES HARBOR POINT**, General Development Plan, Condition #7, 14 Acre Working Boatyard and Full Service Marina status updates, Cease & Desist Order and requested items.

Attorney John Freeman gave a brief update and told the Board that William Buckley would be at future meetings to provide continued updates on the work underway at this location.

Ms. McManus moved to add an item not on the agenda; seconded by Mr. Morris and approved 5 to 0 (Mills, Morris, McManus, Michelson and Parson). The following item was discussed by the Board Members:

2. **Application 211-40 & 211-41 – TOLARI, LLC AND TR HARDY, LLC**, 57-59 Broad Street, 184 Summer Street, 208 Summer Street, 222 Summer Street, 118 Summer Street and Summer Place, Special Exceptions and Site and Architectural Plans and Requested Uses to construct a new 21 story mixed use building with ground floor retail space, a 4 story structured (*request for time extension*).

Mr. Cole reported that the Board had approved architectural modifications to these applications at their last meeting of July 22, 2013 but the Applicant hadn't realized they also needed a time extension.

Mr. Michelson moved to approve the request of time on these two applications to extend their approval for one (1) year; seconded by Ms. McManus and approved 5 to 0 (Mills, Morris, McManus, Michelson and Parson).

### **NEW BUSINESS**

Mr. Mills noted that Board Member McManus had attended her fourth meeting and called for an organizational election.

Mr. Michelson moved to approve Mr. Mills as Chair, seconded by Mr. Parson and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson).

Mr. Morris moved to approve Mr. Michelson as Secretary, seconded by Mr. Parson and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson).

### **ADJOURNMENT**

There being no further business, Mr. Mills adjourned the meeting at 10:45pm.

Respectfully submitted,

Barry Michelson, Secretary  
Stamford Zoning Board